

Message Text

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PAGE 01 STATE 206522
ORIGIN L-03

INFO OCT-01 EA-12 ISO-00 CPR-03 /019 R

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R 152031Z AUG 78
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO

UNCLAS STATE 206522

E.O. 11652: N/A

TAGS: AFSP, APER, PDIP

SUBJECT: REQUEST FOR WAIVER OF DIPLOMATIC IMMUNITY
(DEPENDENT OF JAMES J. EGAN)

REF: TOKYO 14408

1. IN RESPONSE TO QUESTION RAISED PARA 1 REFTEL RELATING TO
USG POLICY REGARDING EXTENT TO WHICH IMMUNITY OF ALIEN DE-
PENDENTS OF DIPLOMATIC PERSONNEL MUST BE WAIVED IN ORDER FOR
EMPLOYMENT TO BE ACCEPTED, EMBASSY IS ADVISED THAT AT
PRESENT NO WAIVERS ARE REQUIRED UNLESS A CHANGE OF STATUS
(E.G., FROM "A" TO PERMANENT RESIDENT) IS INVOLVED. CONSE-
QUENTLY, PERSONS ALLOWED TO WORK IN THE THREE CATEGORIES
ARE NOT REQUIRED TO WAIVE ANY IMMUNITIES.

2. WHEN, AS IS NOW ANTICIPATED, OLD IMMUNITY STATUTE (22
U.S.C. 252) IS REPEALED AND VIENNA CONVENTION IS APPLIED AS
SOLE STANDARD OF DIPLOMATIC IMMUNITY, DEPT. ASSUMES THAT
RULES SET FORTH IN THAT TREATY (ARTICLES 31,34 AND 37) RE-
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PAGE 02 STATE 206522

LATING TO A LIMITATION ON PRIVILEGES AND IMMUNITIES IN
SPECIFIC CASES INVOLVING NON-OFFICIAL ACTIVITIES WILL BE
FOLLOWED. THUS, A DIPLOMATIC DEPENDENT, REGISTERED AS SUCH
(I.E., NOT A "PRIVATE" CITIZEN) WILL RETAIN IMMUNITY FROM
CRIMINAL JURISDICTION AND FINANCIAL PRIVILEGES TO THE EX-

TENT THEY DON'T RELATE TO THE EARNING OF PRIVATE INCOME.

3. DEPT. HOPES THIS INFORMATION WILL BE HELPFUL IN UNDER-
STANDING THE EXTENT TO WHICH THERE IS RECIPROCITY BETWEEN
THE U.S. AND JAPAN ON THIS ISSUE. VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
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Concepts: DIPLOMATIC PRIVILEGES, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
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Drafter: HFSHAMWELL,JR.:CEK
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From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780862/aaaabzsc.tel
Line Count: 66
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 5c0ff762-c288-dd11-92da-001cc4696bcc
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Original Classification: UNCLASSIFIED
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